

REMARKS

Claims 1-4 have been examined and have been rejected under 35 U.S.C. § 102(b).

I. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b) in view of U.S. Publication No. 2002/0189970 to Koike ("Koike").

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a hole for deaeration that penetrates between a first surface of the shock absorbing material that is brought into contact with an inner surface of a packaging carton and a second surface thereof on which a packaged product is placed.

The Examiner maintains that Koike discloses the above features. In particular, the Examiner maintains that, "holes are formed on all sides of the shock absorbing material" (pg. 2 of Office Action). Applicant traverses this assertion. There are no actual "holes" formed in the shock absorbing material 10, 20, 30 of Koike. Rather, in Figures 2, 3A and 5B, a fragile portion 28 and a second reinforcing rib 36 are shown. Even if Applicant assumes *arguendo* that such portions form a type of "hole," the fragile portion 28 and the second reinforcing rib 36 still do not penetrate between a first and second surface of the shock absorbing material 10, 20, 30, in the manner recited in claim 1. Rather, as shown, the fragile portions 28 and the second reinforcing rib 36 are formed as semicircular cutouts or recesses in their respective surfaces, such as the leading end portion 250 of Figure 3A.

Furthermore, as set forth by Koike, the fragile portion 28 is formed to allow easy deformation of the leading end portion 250, while the second reinforcing rib 36 provides greater

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support from impacts (paragraphs ([0049], [0058], and [0059]). Such portions are not provided for deaeration, as set forth in claim 1.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

If the rejection is to be maintained, Applicant respectfully requests the Examiner to specifically indicate, by reference number or annotated drawing, which portions of Koike are alleged to disclose the claimed deaeration hole.

B. Claims 2-4

Since claims 2-4 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Newly Added Claim

Applicant has added new claim 7 to provide more varied protection of the present invention.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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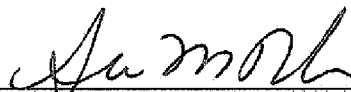
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